

REMARKS

In this Amendment, claims 21, 22, 29, 30, 36, 40-42, 45, and 52 have been amended to more particularly point out what the Applicants regard as the invention. The claimed invention includes displaying a single advertising mark for a plurality of items on a display along with a scene of the broadcasted program. New claims 58-61 have been added. No new matter has been added. Claims 25-29, 34, 35, 39, 44, 47, 48, 50, 51, and 54-57 have been cancelled without prejudice.

Double Patenting

Claims 21-35 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, and 5-10 by Kitsukawa, et al. (USPN 6,282,713, “Kitsukawa”). Applicants plan to file a timely terminal disclaimer, when the claims are allowed by the Examiner. Applicants respectfully bring to the Examiner’s attention MPEP 804.02(V), which reads as follows:

A terminal disclaimer is a statement filed by an owner (in whole or in part) of a patent or a patent to be granted that is used to disclaim or dedicate a portion of the entire term of all the claims of a patent. The requirements for a terminal disclaimer are set forth in 37 CFR 1.321.

(Emphasis Added). Thus, Applicants believe they are not required to submit a terminal disclaimer until the claims are allowable and only if the allowable claims are unpatentable over Kitsukawa’s claims.

Rejections under 35 U.S.C. § 103(a)

Independent claims 21, 36, 45, and 52 and associated dependent claims stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S Patent No. 6,496,981 by Wistendahl, et al. (“Wistendahl”) in view of U.S Patent No. 5,285,278 by Holman (“Holman”). Applicants respectfully submit that Wistendahl and Holman, either individually or in combination, do not teach or suggest each and every element of the claims.

Specifically, Applicants respectfully submit that Wistendahl and Holman, either individually or in combination, do not teach or suggest “displaying a single advertising

mark for the plurality of items on a display along with a scene of the broadcasted program,” as claimed in independent claims 21, 36, 45, and 52, as amended.

Wistendahl discloses that a home shopping show can be rendered interactive by mapping the products displayed on the TV screen as hot spots. Thus, Wistendahl discloses that each item that is to be rendered interactive has its own hot spot and does not teach or suggest “displaying a *single* advertising mark for the *plurality* of items on a display along with a scene of the broadcasted program,” (emphasis added) as claimed in independent claims 21, 36, 45, and 52.

Applicants respectfully submit that Holman does not supply the missing limitations. Holman discloses an electronic redeemable coupon generating system. Holman discloses that during the presentation of a television commercial, a viewer pushes a VIEW button to view messages associated with the product which is the subject of the commercial. Holman is silent about and therefore, does not teach or suggest displaying a single advertising mark for the plurality of items on a display along with a scene of the broadcasted program, as claimed in independent claims 21, 36, 45, and 52.

Accordingly, Applicants respectfully submit that independent claims 21, 36, 45, and 52 and associated dependent claims 22-24, 30-33, 37-38, 40-43, 46, 49, 53, and 58-61 are not rendered obvious by the Wistendahl and Holman combination. Therefore, Applicants request the withdrawal of the rejection of claims under 35 U.S.C. § 103(a).

New Claims 58-61

Support for these new claims is found, for example, in FIG. 4 and associated text. Applicants respectfully believe that new claims 58-61 are patentable over the combination of Wistendahl and Holman at least for the same reasons as the associated independent claims 21, 36, 45, and 52. Further, Wistendahl and Holman, either individually or in combination, do not teach or suggest both a “stored advertising mode” and a “non-advertising mode”, or the associated limitations, as recited in these new claims.

SUMMARY

Claims 21-24, 30-33, 36-38, 40-43, 45, 46, 49, 52-53, and 58-61 are pending. In view of the foregoing amendments and remarks, Applicants respectfully submit that the pending claims are in condition for allowance. Applicants respectfully request reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x309.

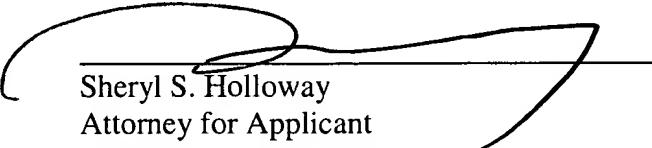
Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicants hereby request such extension.

Respectfully submitted,

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